

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

In re:)	Chapter 11
)	
W.R. GRACE & CO., <i>et al.</i> ,)	Case No. 01-01139 (JKF)
)	(Jointly Administered)
Debtors.)	
<hr/>		Re: Docket No. 13980

**MOTION FOR EXPEDITED CONSIDERATION AND TO SHORTEN
NOTICE OF ANDERSON MEMORIAL HOSPITAL'S MOTION
TO COMPEL DEPOSITION OF DEBTORS' RECORDS
CUSTODIAN(S) SO THAT IT MAY BE HEARD ON DECEMBER 18, 2006**

Pursuant to L.B.R. 9006-1(e), Anderson Memorial Hospital ("Anderson") submits this Motion for Expedited Consideration (the "Motion to Expedite") its Motion to Compel the Deposition of the Debtors' Records Custodian(s).¹

1. The Motion to Expedite requests this Court to expedite consideration of Anderson's Motion to Compel, which addresses Anderson's Notice of Deposition dated October 30, 2006, seeking the Deposition of the Debtors' "Records Custodian(s) for all documents which refer to or relate to Anderson Memorial Hospital's lawsuit prior to the date the Debtors filed their Petition for Reorganization" ("Custodian Notice").

2. According to Anderson, the Debtors did not file a Motion for Protective Order as to the Custodian Deposition and failed to appear as noticed on November 21, 2006, so therefore, the deposition should proceed immediately.

3. According to the Debtors, the Custodian Notice was the subject of their "Motion for Protective Order against Memorial's October 30, 2006 Request for 30(b)(6)

¹ Anderson is aware that L.B.R. 9006-1(b) requires that discovery motions need only be filed five (5) days before the hearing date. However, in light of the Court's "Order Scheduling Omnibus Hearing Dates for 2006," docket # 9704, which provides that motions for the December 18, 2006 hearing must be filed by November 13, 2006, Anderson believes that the filing of this motion to expedite is proper.

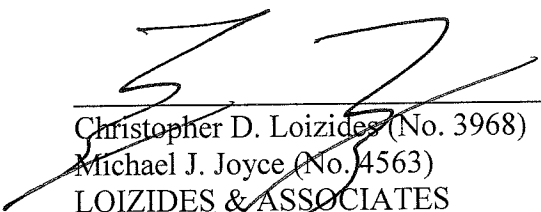
Depositions and Documents (“Second Motion for Protective Order”) [Doc. 13588], which was heard by the Court at the November 20, 2006 omnibus hearing. At that hearing, the Court directed Anderson to inform the Debtors, within one week, what elements of Rule 23 its 30(b)(6) Discovery Requests relates to; and directed the Debtors to notify Anderson, within one week, whether it would abandon certain positions it had taken in its opposition to Anderson’s Motion for Class Certification. Anderson timely advised the Debtors of the linkage of its 30(b)(6) discovery to Rule 23, however, the Debtors failed to notify Anderson as directed by the Court.

5. Presumably, the Debtors’ Second Motion for Protective Order will be on the Agenda for the December 18, 2006 omnibus hearing. Consequently, the Debtors’ opposition to producing a Custodian will already be heard that day under the Debtors’ view that the Protective Order covers that issue. Therefore, Anderson’s Motion to Compel the same Deposition should be heard at the same time.

6. Given the nature of the Motion to Expedite, Anderson does not believe that it is necessary to require the Debtors to file a formal response to the Motion to Expedite or the Motion to Compel, and that the issues raised therein can be considered orally at the hearing, but if Debtors desire to file a response, they should be directed to ensure that Anderson’s South Carolina counsel has a copy in hand no later than 5:00 p.m. on Friday, December 15, 2006.

WHEREFORE, for all these reasons, Anderson requests that the Court enter an Order substantially in the form attached as Exhibit "A."

DATED: December 8, 2006



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